

UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

| | | |
|---|---|------------------------------|
| United States of America |) | |
| v. |) | |
| RONALD BERNARD WALKER |) | Case No: <u>3:04CR074-01</u> |
| Date of Previous Judgment: <u>January 4, 2007</u> |) | USM No: <u>19592-058</u> |
| (Use Date of Last Amended Judgment if Applicable) |) | <u>Daniel McIntyre</u> |
| |) | Defendant's Attorney |

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

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|---|--|
| Previous Offense Level: <u>31</u> | Amended Offense Level: <u>31</u> |
| Criminal History Category: <u>VI</u> | Criminal History Category: <u>VI</u> |
| Previous Guideline Range: <u>188</u> to <u>235</u> months | Amended Guideline Range: <u>188</u> to <u>235</u> months |

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): There is no change in defendant's guideline calculations due to the application of the Career Offender guideline. Accordingly, defendant is not eligible for a sentence reduction per amended USSG § 1B1.10(a)(2)(B).


III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated January 4, 2007 shall remain in effect.

IT IS SO ORDERED.

Order Date: November 17, 2008

Effective Date: _____
(if different from order date)



Frank D. Whitney
United States District Judge

